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U.S. Citizenship
and Immigration
Services

[REDACTED]

FILE:

[REDACTED]

Office: National Benefits Center

Date: FEB 12 2004

IN RE: Applicant:

[REDACTED]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann
for *[Signature]*

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he has been living in the United States from 1981 to the present. In 1987 he filed a previous application to obtain legal status in the United States under section 245A of the Immigration and Nationality Act (INA), as set forth in the Immigration Reform and Control Act of 1986 (IRCA). That application was denied on the ground that the applicant failed to establish his continuous residence in this country for the qualifying period of January 1, 1982 to May 4, 1988. The applicant seeks to have the AAO reopen and reconsider his "245A petition" under the LIFE Act.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in one of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) ("CSS"), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) ("LULAC"), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) ("*Zambrano*"). See section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

The regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant does not even assert, much less submit any supporting documentation, that he filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required for eligibility under section 1104(b) of the LIFE Act. Nor are there any records within CIS which demonstrate that the applicant applied for class membership.

In his appeal the applicant refers to his previous application under section 245A of the INA (IRCA, *supra*), which was filed in 1987. That application was denied in 1993 for failure to establish that the applicant resided in the United States continuously in an unlawful status for the requisite time period of January 1, 1982 until the date the application was filed. The applicant filed an appeal, which was dismissed in 1995 on the ground that it had not been timely filed. In his current application under the LIFE Act, the applicant asks simply that Citizenship and Immigration Services (CIS) reopen and reconsider his section 245A application. There is no provision in the LIFE Act, however, which authorizes the reopening or reconsideration of applications previously filed under IRCA. To be eligible for permanent resident status under the LIFE Act, an applicant must demonstrate that he or she filed a written claim with the Attorney General for class membership in one of the legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000. There is no evidence that the applicant in this case filed any such claim for class membership.

For the reasons discussed above, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.